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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Darren DeWall  
Appl. No. : 09/967,249  
Filed : September 28, 2001  
Title : **GAMING DEVICE THAT ALLOWS PLAYERS TO CHOOSE  
THE NUMBER OF CELLS PLAYED AND ADJUSTS THE  
PROBABILITY OF A SYMBOL APPEARING BASED ON  
THE NUMBER OF CELLS CHOSEN**  
Grp./A.U. : 3714  
Examiner : Corbett B. Coburn  
Docket No. : 60,518-010

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**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**MAILSTOP: REPLY BRIEF - PATENT**

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TECHNOLOGY CENTER R3700

Dear Sir:

In response to the Examiner's Answer of April 2, 2004 the applicants hereby provides the following reply.

**(5) *Summary of Invention***

The claims define the invention and applicant's summary is comenserate with claims 1 and 20. The claimed invention covers the selection of individual cells independently of one another, not tied to other cells in a certain payline, i.e., payline cells are not independent of one another.

**(6) Issues & (7) Grouping of Claims**

Applicant accepts the Examiner issues and grouping the basis that applicant is allowed to argue the patentability of claims 15, 16, 19, 36, 37 and 40 separately based upon the separate arguments presented by the Examiner in rejecting these claims.

**(10) Summary of Invention**

The Examiner admits that Payne “fails to teach allowing the player to individually select the number of cells independently of one another.” The Examiner tries to make up for this deficiency with the teaching in Grobbi of “scatter pay.” However, there is no teaching in Grobbi of a player selecting a number of cells. In fact, Grobbi teaches only the selection of paylines by the well known reel-type slot machine or a processor to present the symbols in the cells. Grobbi does not suggest the individual selection of the number of cells independently of one another by the player, as distinguished from the well known machine selection of symbols to be displayed in a machine selected number of cells.

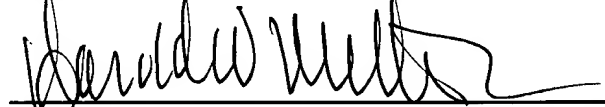
As to the rejection of claims 15, 16, 19, 36, 37 and 40, the Examiner admits that the prior art fails to teach a pawn shop. Since these claims recite a pawn shop, the rejection must fail.

**Applicant: DeWall**  
**U.S. Serial No.: 09/967,249**  
**Reply Brief dated: May 24, 2004**  
**Response to Examiners Answer of April 2, 2004**

Because of all of the above identified issues, the reversal of the rejections noted by the Examiner is respectfully solicited.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**




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May 24, 2004

Date

**CERTIFICATE OF MAILING**

I hereby certify that the attached **Reply Brief** for application serial number 09/967,249 filed September 28, 2001 is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, on this **May 24, 2004.**

  
Anne L. Kubit